

Index File

Application No. ZM-97-05

Charter Hall Builders, LLC

Application No. ZM-97-05 is a request to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane, approximately 175 feet west of the intersection of Mill Lane and Beechwood Drive.

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Survey plat
4. Proposed subdivision plan
5. Proposed Resolution No. PC05-40

COUNTY OF YORK

MEMORANDUM

DATE: October 4, 2005 (PC Mtg. 10/12/05)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. ZM-97-05, Charter Hall Builders, LLC

ISSUE

This application is a request to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501). The property is further identified as a portion of Assessor's Parcel No. 30L-3-B-9A.

DESCRIPTION

- Property Owner: Charter Hall Builders, LLC
- Location: Approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501)
- Area: Approximately 0.18 acre
- Frontage: No public road frontage
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium Density Residential
- Zoning Classification: GB – General Business
- Existing Development: None
- Surrounding Development:

North: None

East: None; Beechwood Drive beyond

South: None

West: Heritage Square Shopping Center; La Petite Academy day care center

- Proposed Development: Incorporation of property into adjacent properties to be resubdivided into two single-family residential lots.

CONSIDERATIONS/CONCLUSIONS

1. The subject property is part of a landlocked parcel that lies between the rear of Heritage Square Shopping Center and the adjacent Harwood Mill residential subdivision. The parcel is part of a 50' strip of land running behind Heritage Square from Lakeside Drive along the western boundary of Harwood Mill parallel to Beechwood Drive. This strip, which dates back to a restrictive covenant in the deed by which the rear portion of the Heritage Square property was conveyed in 1956, was created to serve as a buffer between residential development in Harwood Mill and any potential future commercial development to the west. Over the years the various segments of this "buffer strip" have been conveyed to the adjacent lot owners in Harwood Mill with the stipulation that the property "shall be maintained in its present state, with the existing trees and foliage thereon maintained in its present state, subject to natural deterioration as the results of acts of God and nature and erosion, the use thereof being to create a buffer between 'HARWOOD MILL-SECTION B' and the [adjoining] commercial area."
2. The property owner also owns an adjacent parcel, measuring approximately 30,850 square feet in area, that fronts on both Beechwood Drive and the unimproved right-of-way for Mill Lane that was platted in 1958 as a stub street connection to the adjacent property, which was zoned for residential development at that time. In 1974 the Board of Supervisors approved an application to rezone the adjacent property to a commercial designation (B1) for the purpose of developing Heritage Square shopping center. Construction of the shopping center negated the possibility of extending Mill Lane beyond Beechwood Drive, and it has remained a "paper street" ever since. On July 19, 2005, the Board of Supervisors, having been approached by Charter Hall Builders about selling the property, vacated this unimproved right-of-way and authorized its sale to the applicant, whose intent is to combine it with its existing landholdings to create an assemblage of 47,595 square feet that can then be resubdivided to create two residential lots. Because the subject property is zoned GB, it cannot be used for residential development and therefore cannot count toward the 40,000 square feet that would be needed for two lots in the R20 district; unless the property is rezoned, the applicant will not have enough R20-zoned land for two lots
3. As noted earlier, the property is subject to a restrictive covenant requiring that it remain in its present state. Regardless of any covenants that may be deeded, the County must evaluate the rezoning request within the context of the Comprehensive Plan, Zoning Ordinance, and good planning practice. The County cannot be a party to the enforcement of private covenants, and approval of a rezoning will not relieve the applicant of any responsibilities for compliance with any such covenants.

RECOMMENDATION

For all practical purposes, each of the 50' strips of land between Heritage Square and the lots in Harwood Mill is an extension of the backyard of the adjacent lot on Beechwood Drive. Logic dictates that they be zoned R20 to match the zoning in Harwood Mill. Staff therefore recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC05-40. Ultimately, perhaps as part of a comprehensive rezoning following the adoption of the updated *Comprehensive Plan*, staff will likely recommend rezoning the entire 50' "buffer strip" to R20 since the same logic that applies to the subject parcel applies to the others that are part of this strip.

TCC

Attachments

- Zoning Map
- Survey Plat
- Proposed Subdivision Plan
- Proposed Resolution No. PC05-40

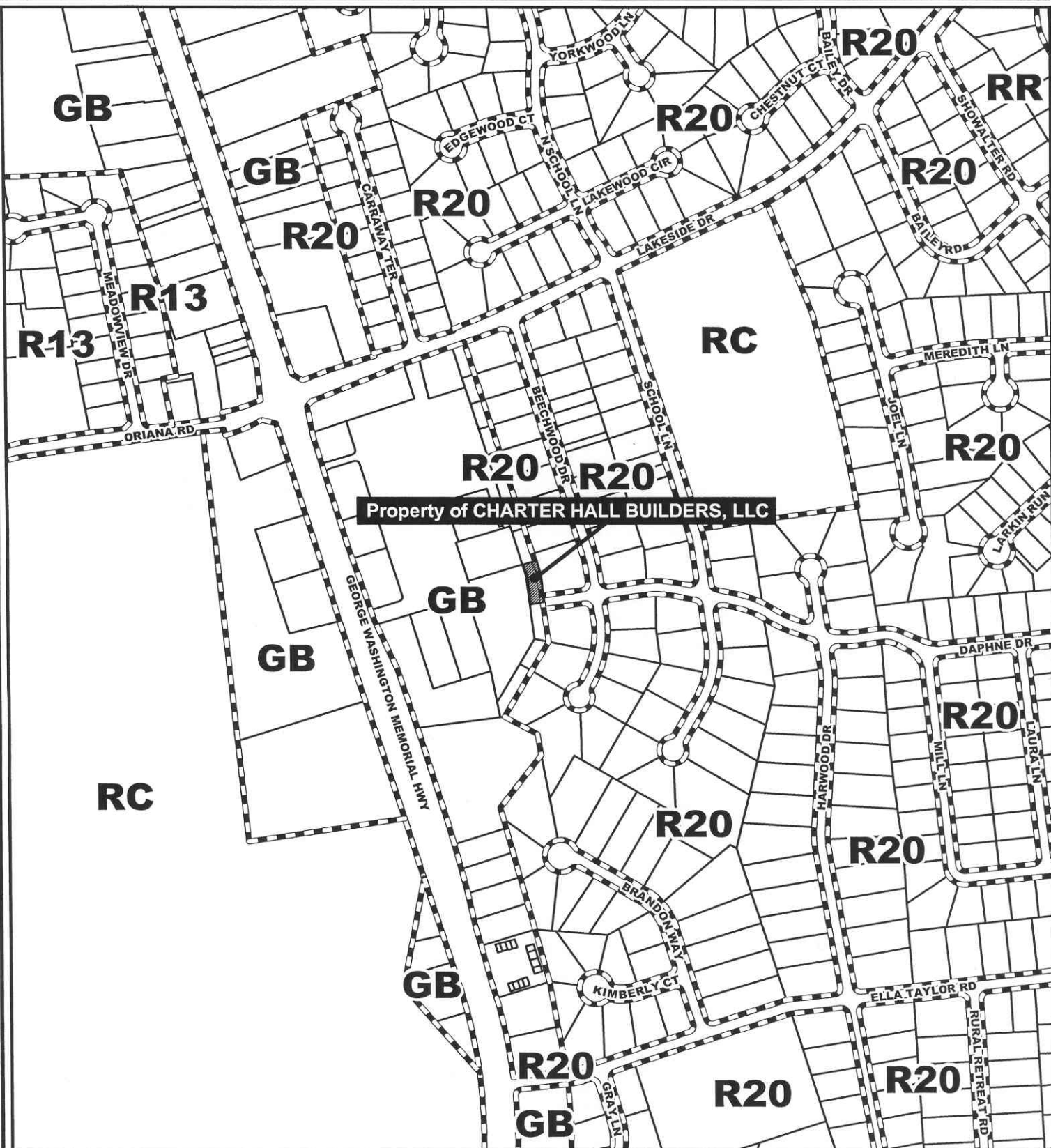
APPLICANT

Charter Hall Builders, LLC

Reclassify zoning from GB to R20

ZONING MAP

APPLICATION NUMBER: ZM-97-05



* = Conditional Zoning

0 250 500 1,000 Feet

Printed on September 15, 2005



LIBRARY TILE NUMBER: Lr017

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

LOT 8
BLOCK B
HARWOOD MILLS
SECTION A

20' DRAINAGE &
UTILITY EASEMENT
D.B. 9, PG 252

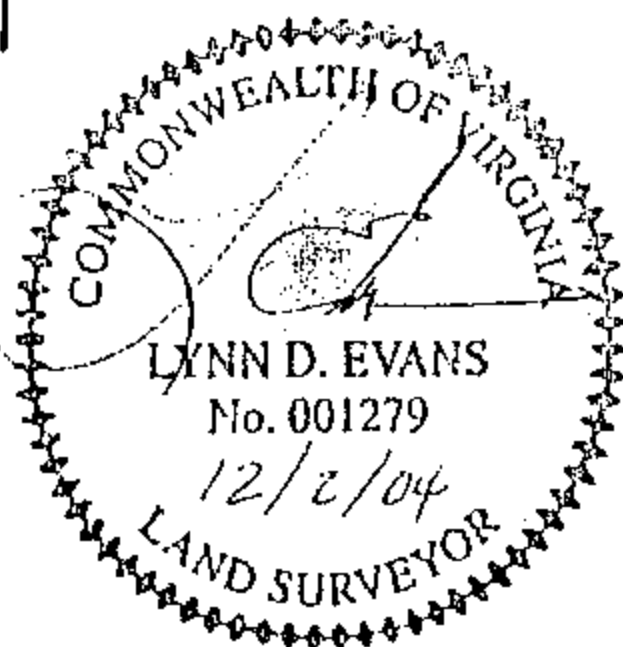
LOT 9
BLOCK B
HARWOOD MILLS
SECTION B
AREA: 30,849.5 S.F.
0.703 AC.

PARCEL A
7239.5 S.F.
0.17 ACRES

10'
UTILITY EASEMENT
P.B. 6, PG 13

MILL LANE
50' R/W
UNIMPROVED

BEECHWOOD DR
50' R/W



RECEIVED

AUG 18 2005

PLANNING DIVISION

COUNTY OF YORK
PHYSICAL SURVEY OF

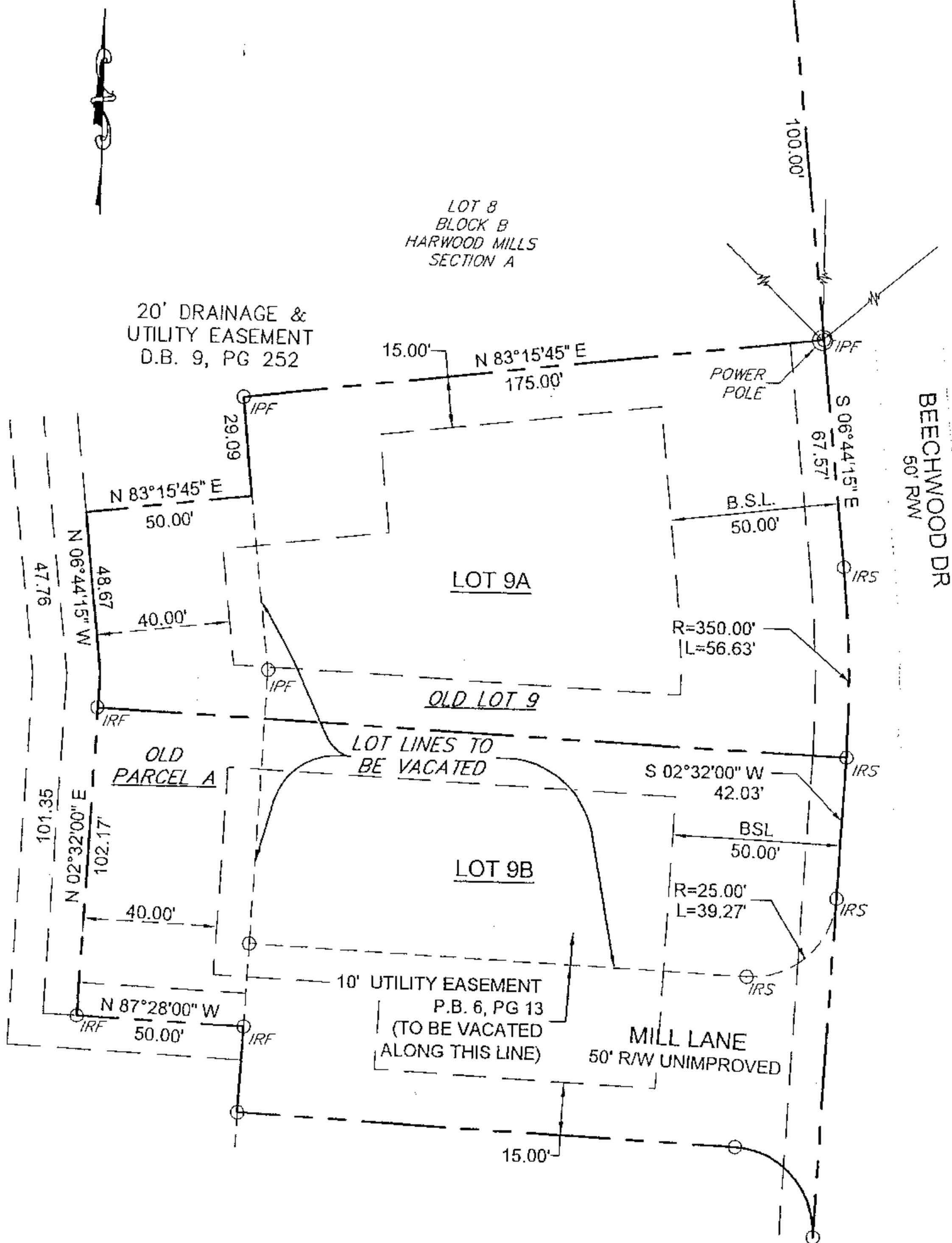
LOT 9
HARWOOD MILLS
SECTION B
AND PARCEL A
YORK COUNTY, VIRGINIA

Bury
ENGINEERING SOLUTIONS

1643 Merrimac Trail
Williamsburg, Virginia 23185
Tel. (757)229-1776 Fax (757)229-4663
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LOT 8
BLOCK B
HARWOOD MILLS
SECTION A

20' DRAINAGE &
UTILITY EASEMENT
D.B. 9, PG 252



ORIGINAL AREA MILL LANE	9,019	S.F.
ORIGINAL AREA LOT 9	30,849.50	S.F.
ORIGINAL AREA PARCEL A	7,726.50	S.F.
TOTAL	47,595	S.F.

NEW LOT 9A	22,385	S.F.
NEW LOT 9B	25,210	S.F.
TOTAL	47,595	S.F.

EXHIBIT

PROPOSED RESUBDIVISION
OF LOT 9, PARCEL A AND MILL LANE
SECTION B
HARWOOD MILLS

YORK COUNTY

VIRGINIA

SCALE: 1" = 40'

DATE: 8/9/05

PROJ. NO : 12345

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PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptaszniak, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM GB (GENERAL BUSINESS) TO R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL) APPROXIMATELY 0.18 ACRE OF LAND LOCATED APPROXIMATELY 175' WEST OF THE INTERSECTION OF MILL LANE AND BEECHWOOD DRIVE

WHEREAS, Charter Hall Builders, LLC has submitted Application No. ZM-97-05, which requests to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005 that Application No. ZM-97-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063) and more fully described and identified as follows:

All that certain lot, piece or parcel of land situate, lying and being in Grafton District, York County, Virginia being fifty (50) feet in width and lying on the westerly side of Lot NINE (9), Block "B" and Mill Lane, as shown on the plat of survey entitled, "HARWOOD MILL – SECTION B, A SUBDIVISION OF THE PROPERTY OF THE YORK DEVELOPMENT CORPORATION, GRAFTON DISTRICT, YORK COUNTY, VIRGINIA," dated December 15, 1957, made by Wetherill D. Thomas, Certified Land Surveyor, Williamsburg, Virginia, of record in the Clerk's Office of the Circuit Court of York County, Virginia, in Plat Book 6, page 13, said parcel being more particularly described as commencing at a point on the westerly boundary line of "HARWOOD MILL – SECTION B," and is that point which marks the termination of the centerline of Mill Lane as shown on said plat, and from the point of beginning thus established, running thence in a northerly direction in a line which is coincident to the westerly lot line of Lot NINE (9), Block "B" a distance of 158.72 feet to a point; running thence S 72° 44' 57" W a distance of 50.00 feet to a point; running thence S 17° 15' 03" E a distance of 48.57 feet to a point; running thence S 07° 58' 48" E a distance of 101.86 feet to a point; running thence N 82° 14' 12" E a distance of 50.00 feet to a point, the point or place of beginning.